

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

* **Criminal No. GJH-21-348**

BRIAN MCQUADE

*

* * * * *

**JOINT MOTION TO DESIGNATE EXAMINER
FOR EVALUATION PURSUANT TO 18 U.S.C. § 4241**

On October 14, 2021, the Defendant, Brian McQuade, filed a motion for a hearing on his competency in accordance with 18 U.S.C. § 4241(a). The Defendant and the United States Attorney's Office for the District of Maryland have conferred and now jointly request that the Court designate Dr. Michael O'Connell, Ph.D., to conduct a psychological examination of Mr. McQuade pursuant to 18 U.S.C. §§ 4241(b), 4247(b), (c). In support of this request, the parties submit as follows:

Dr. O'Connell is a licensed forensic psychologist and neuropsychologist based in Maryland who conducts competency evaluations in accordance with best practices in forensic mental health assessments. The parties have conferred regarding Dr. O'Connell's credentials and proposed methodology and agree that he is qualified to examine Mr. McQuade. *See* Attachment A (Dr. O'Connell's curriculum vitae).

Dr. O'Connell is available to evaluate Mr. McQuade in person in early December. Dr. O'Connell will perform this evaluation and prepare a report consistent with the requirements of 18 U.S.C. § 4247, including his "opinions as to diagnosis, prognosis" and assessment as to:

whether [McQuade] is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

18 U.S.C. § 1447(c)(4)(A).

Dr. O'Connell shall file a report with the Court no later than December 4247(c) by not later than December 16, 2022.

Upon reviewing the report, the parties will submit any objections thereto by not later than December 30, 2022. By December 30, 2022, the parties will also state their positions on whether a competency hearing is necessary pursuant to 18 U.S.C. § 4241(a).

The parties each reserve the right to request to have Mr. McQuade evaluated by additional experts, as necessary, after reviewing Dr. O'Connell's report.

WHEREFORE, for the reasons presented herein, the parties respectfully request that the Court designate Dr. Michael O'Connell to conduct a psychological examination of Brian McQuade pursuant to 18 U.S.C. § 4241. A proposed order is attached.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Caitlin Cottingham, HEREBY CERTIFY that a copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to all counsel of record, on November 30, 2022.

By: /s/ Caitlin R. Cottingham